

# **THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS**

**November 2, 2006**

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on Thursday November 2, 2006.

## **MEMBERS PRESENT**

Neil J. Alioto, Chair  
Norman Williams  
Jim Ringo  
Roger McDonald  
Rick Hessig  
Almeta Ann Hardwick

## **OCCUPATIONS & PROFESSIONS STAFF**

Adriana Lang, Board Administrator  
Claude Wagner, Executive Director  
Wendy Satterly, Supervisor

## **OTHERS PRESENT**

Diane Fleming, Attorney  
Michael Barnes  
Rodney Brock  
Tom Condit  
Terry Hammond  
Richard LeBlanc  
Dennis Leber  
Larry Nunes  
Patricia Suyak  
Tommy Swango  
Danny Triplett  
Uthaiwan Wong-Opasi

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## **CALL TO ORDER**

The Board Chairman Mr. Neil Alioto called the meeting to order at 1:05 p.m.

## **APPROVAL OF MINUTES**

The minutes of the September 7, 2006 meeting were called to the attention of the members. A motion was made by Mr. Norman Williams to approve the minutes, motion seconded by Mr. Jim Ringo, carried.

## **FINANCIAL STATEMENT**

The Board reviewed the Financial Statement indicating a balance of \$79,520.13 from July 1, 2006 to August 31, 2006 and \$81,452.21 from July 31, 2006 to September 30, 2006. A motion was made by Mr. Norman Williams to accept the Financial Statement. Motion, seconded by Mr. Roger McDonald, carried.

## **LICENSURE STATUS**

The Board reviewed the Licensure Report of November 2, 2006.

## **PROOF OF INSURANCE**

The Board reviewed a list of names of licensees that have an insurance policy with an expiration date of September of 2006.

## **ATTORNEY REPORT- LEGAL MATTERS**

Ms. Diane Fleming provided the Board an update on the hearings for Theresa Bradford, James Bartlett and Katina Acuff.

Ms. Diane Fleming informed the Board that due to an administrative error she was required to re-file the injunction against Whitehall Bureau, Inc. and Brian Finney. She stated that she would bring an update to the Board on its next scheduled Board meeting.

Ms. Diane Fleming informed that Board that William Casada mailed the Board a signed Cease and Desist Affidavit in response to the Board's Cease and Desist letter, in addition he provided the Board a copy of his new employer's business card.

Ms. Diane Fleming informed the Board that she did not have an update on the reciprocity agreement research. Mr. Rick Hessig stated that he would work with Ms. Fleming on the reciprocal agreement research.

Ms. Diane Fleming informed the Board that she would review Ms. Barbara Peyton's file to determine if she qualifies for a private investigator license and would draft correspondence in response to Ms. Peyton.

Ms. Diane Fleming informed the Board that Mr. Richard May decided to withdraw his appeal for a hearing. The Board accepted Mr. May's withdraw and suggested Mr. May to apply for a license seeking reciprocity from Tennessee.

### **DIRECTOR'S REPORT**

Mr. Claude Wagner informed the Board that the Report of the Audit request is complete. Mr. Wagner provided the Board a detailed explanation of the Audit Report and stated that the result is no findings. The Board thanked Mr. Wagner for his assistance with the Audit request.

Mr. Claude Wagner provided the Board the schedule recommendation for the Records Retention. Mr. Wagner provided a detailed explanation of the schedule recommendation and stated that the report was open for suggestions and amendments. A motion was made by Mr. Jim Ringo for the Board to accept the Record Retention Schedule Recommendation as written. The motion, seconded by Mr. Roger McDonald, carried.

Mr. Claude Wagner presented the Board e-mails from Ms. Vida Murray representing the LRC office regarding the KRS 329A.040 (4) and KRS 329A.035. Mr. Wagner suggested that the Board schedule a Special Board Meeting to review the subject along with the legal Council. The Board accepted Mr. Wagner's suggestion. Ms. Diane Fleming informed the Board that obtaining a legal opinion from the Attorney General's office requires a written request from the Director of the Division of Occupations and Professions. Mr. Claude Wagner stated that he would draft the request on behalf of the Board and bring an update to the Board on its next scheduled Board meeting.

### **OLD BUSINESS**

The Board deferred the review of the KAR 201: 040 Fees for a Special Board Meeting to be scheduled by the Board.

The Board reviewed correspondence received from Mr. Michael Knopp regarding Knopp Investigations, Inc.

The Board reviewed Mr. Douglas M. Dutcher's proof of insurance.

Mr. Norman Williams made a motion to send a plaque to Sheriff Rodney Coffey. The motion, seconded by Mr. Jim Ringo, carried.

The Board Chairman Mr. Neil Alioto informed the Board that even though the scheduled Board Meeting for October 5, 2006 was cancelled due to a lack of a quorum, the Application Review Committee reviewed applications on that day and asked for the Board to make a motion to approve the Application Review Committee's recommendation. Mr. Rick Hessig asked the Board for the name of the applicants that were reviewed on October 5, 2006; in addition, he requested specific clarification on the application committee's recommendation. Staff members provided the Board a list of name of applications that were reviewed on October 5, 2006. A motion was made by Mr. Norman Williams to approve the application review. The motion, seconded by Mr. Jim Ringo, carried.

The Board reviewed correspondence received from Mr. Thomas a Condit regarding Condit and Associates, Inc.

The Board reviewed correspondence received from Terry Hammond regarding S.C.C. Investigations, LLC.

The Board discussed the KRS 329A.15 and the KRS 329A.040 (4). The Board agreed to suspend the requirement of any Private Investigator Company Sole Proprietor license until they review and determine the legal interpretation of the KRS 329A.040 (4), KRS 329A.015 and KAR 41:0470. The Board agreed to continue the issuance of the Private Investigator company licenses for anyone that requests that license.

Mr. Jim Ringo made a motion for staff members to send a letter to the Private Investigator Companies that was sent Cease and Desist letters notifying them that they are not required to apply for a company license until further notice from the Board. The motion, seconded by Mr. Norman Williams, carried. Ms. Diane Fleming stated that she will provide a legal draft of the letter to staff members so they can mail it out to the companies mentioned above.

Mr. Thomas Condit presented to the Board information regarding continuing education recently approved by the board. Mr. Condit asked the Board's consideration for a re-approval of eight (8) hours of continuing education for the ISAIU Insurance Fraud Seminar for September 18-19, 2006 instead of six (6) hours previously approved. The Board approved Mr. Condit's request.

### **NEW BUSINESS**

Mr. Paul Dillon presented the Board information regarding the National Society of Professional Insurance Investigators (NSPII). A motion was made by Mr. Norman Williams to approve ten (10) hours of continuing education for the NSPII 24<sup>th</sup> Advanced Insurance Fraud Seminar for 11/12-14/2006. The motion, seconded by Mr. Rick Hessig, carried.

The Board reviewed correspondence received via e-mail from Mr. Tommy Swango regarding Arson Investigators. The Chairman, Mr. Neil Alioto, discussed with the Board and instructed Mr. Swango to refer Arson Investigators to the KRS 329A.095.

The Board reviewed an e-mail from the Division of Occupations and Professions stating that effective October 1, 2006 the mileage reimbursement is .41 cents per mile.

Ms. Patricia Suyak asked why the Board's recently approved minutes were not posted on the website. The Chairman, Mr. Neil Alioto informed Ms. Suyak that the reason why the most recent minutes was not available online was because the October Board meeting was cancelled due to a lack of a quorum. Ms. Suyak thanked Mr. Alioto for the update.

### **APPLICATION REVIEW COMMITTEE**

Mr. Neil Alioto gave the following report from the Application Review Committee. The Board accepted Mr. Alioto's report as follows:

INDIVIDUAL APPLICATION APPROVED WITH PROVISIONS: *Brian Babbs, Ryan Bloomfield, David Coffman, Brett Denney, Tate Falduto, Richard D. Gullledge, Judy Hodge, Richard LeBlanc, Dennis Leber, Clifford MacBurney, Jessica McCoy, David Steffes and Uthaiwan Wong-Opasi.*

INDIVIDUAL APPLICATION APPROVED BY RECIPROCITY: *Christopher Flatt and Nathan Langley.*

COMPANY APPROVED AND APPROVED WITH PROVISIONS: *Business Decisions Information, Inc. and Call X Cops.*

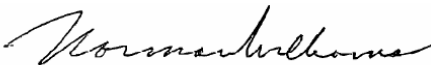
COMPANY APPROVED: *Investigative Concepts, Inc.*

### **TRAVEL AND PER DIEM**

A motion was made by Mr. Jim Ringo to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. Motion, seconded by Mr. Roger McDonald, carried.

### **ADJOURNMENT**

Mr. Alioto informed the Board that the next meeting is scheduled for Thursday, December 7, 2006, with the Application Committee meeting at 11:00 a.m. and the Regular Board Meeting at 1:00 p.m. Having no further business to be brought before the Board, a motion was made by Ms. Almeta Hardwick to adjourn. Motion Seconded by Mr. Rick Hessig, carried. The meeting adjourned at 2:30 pm.



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**APPROVED**